

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7620**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE MARK BROWN,

Defendant - Appellant.

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**No. 04-6211**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE MARK BROWN,

Defendant - Appellant.

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Appeals from the United States District Court for the District of South Carolina, at Rock Hill. Patrick Michael Duffy, Dennis W. Shedd, District Judges. (CR-98-1126; CA-02-1434-0-23)

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Submitted: June 23, 2004

Decided: August 13, 2004

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Before LUTTIG and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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No. 03-7620 dismissed; No. 04-6211 affirmed by unpublished per curiam opinion.

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Wayne Mark Brown, Appellant Pro Se. Marshall Prince, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Wayne Mark Brown seeks to appeal the district court's order denying his Fed. R. Civ. P. 60(b) motion to reconsider the dismissal of his 28 U.S.C. § 2255 (2000) motion (No. 03-7620), and the court's order denying his motion to reopen habeas proceedings (No. 04-6211). We first address the denial of Brown's motion to reconsider.

An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). The denial of a Rule 60(b) motion is the final order in a habeas proceeding and thus requires a certificate of appealability for appeal. Reid v. Angelone, 369 F.3d 363 (4th Cir. 2004). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Brown has not made the requisite showing.

Accordingly, we deny a certificate of appealability and dismiss the appeal in No. 03-7620.

We next consider the district court's denial of Brown's motion to reopen habeas proceedings. We have reviewed the record and find no reversible error. Accordingly, we affirm the judgment of the district court in No. 04-6211. See United States v. Brown, No. CR-98-1126; CA-02-1434-0-23 (D.S.C. filed Sept. 8, 2003; entered Sept. 9, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 03-7620 DISMISSED;  
No. 04-6211 AFFIRMED